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† RETIRED JUSTICE OF THE SUPREME COURT
OF THE STATE OF NEW YORK

March 8, 2013

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COUNSEL

By ECF

Hon. Joseph F. Bianco
United States District Court Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

By ECF

Hon. Arlene R. Lindsay
United States Magistrate Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Mark Laffey, Philip Laffey, U.S. 1 Laffey Real Estate Corp.
d/b/a Laffey Fine Homes, Laffey Associates, LLC, eRealty
Title Agency Corp., TCG Group, Inc., 55 Northern
Blvd., LLC, US 1 Laffey Real Estate of Brookville, Inc.,
US 1 Laffey Real Estate of New Hyde Park, Inc. and
Greenvale Colonial House, LLC,

Plaintiffs,

-against-

Emmett Laffey, Gregory Berkowitz, John Schoonmaker,
Scott Conlon,

the "Ringleader Defendants"

and

Laffey Fine Homes International LLC,
US 1 Laffey of Williston Park, Inc.,

the "Enterprise Defendants",

and

Karen Berkowitz Laffey, Dee Dee Brix, Maria Babaev,
Natalie McCray, Regina Rogers, Joe Pimenta, Jimmy Tubbs,
Sonny DeClara, Lisa Cerreta, Cara Busto, Irina
Pashinsky, Dora Zelyakovsky, Peter Morris, Christopher
Hein, Elaine Lupo, John Doe No. 1, John Doe No. 2,
and John Doe No. 3,

the "Conspiring Individual Defendants"

and

Quontic Bank, the Roslyn Savings Bank, a Division of
New York Community Bank, Greater Jericho Corp., Multiple
Listing Service of Long Island, Inc., Wheretolive.com Inc.,
Lincoln Land Services, LLC, and Signature Properties of
Huntington, LLC a/k/a Signature Premier Properties,

the "Conspiring Corporate Defendants"

Civil Action No. CV 13 519

Our File No. 10,911

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March 8, 2013

Dear Judge Bianco and Magistrate Judge Lindsay:

Our office represents the Defendants, Emmett Laffey, Karen Berkowitz Laffey, Laffey Fine Homes International, LLC and US 1 Laffey of Williston Park, Inc., in connection with the above-captioned action.

Our clients' time to answer or move with respect to the complaint was extended to March 20, 2013 by stipulation with Blodnick, Fazio & Associates, P.C., the present attorneys of record for the Plaintiffs.

In accordance with the March 8, 2013 ruling of the Honorable Arlene R. Lindsay, we are hereby renewing and resubmitting our application to extend our clients' time to answer or move with respect to the Plaintiffs' complaint, and hereby request that the time to do so be extended to May 1, 2013.

As the Court has been made aware in prior communications, the Honorable Timothy S. Driscoll, New York State Supreme Court Justice, Nassau County, appointed a Temporary Receiver over the following Plaintiffs: U.S. 1 Laffey Real Estate Corp. d/b/a Laffey Fine Homes, Laffey Associates, LLC, eRealty Title Agency Corp., and 55 Northern Blvd., LLC. Justice Driscoll's Orders are attached hereto as Exhibits A and B.

We are advised that the Temporary Receiver, James Donald Leonard, has obtained the required bond, and, subject to Justice Driscoll's approval, will retain the law firm of Rosenberg Calica & Birney, LLP. We note that neither our firm, nor the Blodnick Firm has objected to Mr. Leonard's selection of counsel.

A first meeting with Mr. Leonard, and the parties to the Supreme Court Action in which Mr. Leonard was appointed, and their attorneys is scheduled to take place Monday, March 11, 2013.

Based on the foregoing, please consider this letter as our motion to extend to May 1, 2013 our clients' time to answer or move with respect to the Plaintiffs' complaint. This extension should give the Temporary Receiver sufficient time to appear in this action, and for he and his attorneys to become fully familiar with the facts and posture of this and other related lawsuits pending in this Court, the New York State Supreme Court, and the District Court of Nassau County.

We note that a similar application was made by the Blodnick Firm on February 27, 2013, hours before the Plaintiffs' preliminary-injunction motion was scheduled to be heard. See attachment Exhibit C attached hereto. The Plaintiffs thereby sought an adjournment based upon the appointment of Mr. Leonard. As the Court's docket will reveal, we duly opposed the preliminary-

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injunction motion, and were ready and prepared to proceed. The Court adjourned the preliminary-injunction motion.

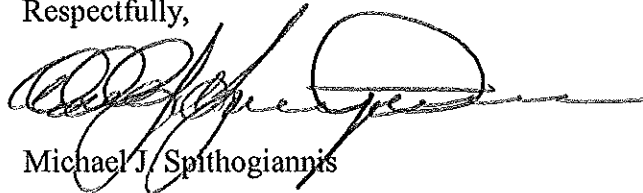
It seems counterproductive to compel the numerous Defendants in this case to prepare and serve answers or motions to dismiss before the Temporary Receiver has weighed in, and taken a position with respect to this action. We note that the complaint is 80 pages long, contains 478 paragraphs, and names 29 defendants. We believe that once the Temporary Receiver is fully appraised of the facts and circumstances, he may elect not to pursue this action on behalf of the companies for which he was appointed. Of course, we do not now know what position he will take.

Finally, there has been no delay on the part of our clients, and an extension of time to May 1, 2013 will not under the circumstances "unnecessarily delay this action from proceeding."

We respectfully request that this letter motion be granted.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael J. Spithogiannis", with a long horizontal flourish extending to the right.

Michael J. Spithogiannis

MJS:ro

Attachment

10911Bianco.ltr5.wpd

cc: **Via email: ron@rcblaw.com**

Ronald J. Rosenberg, Esq.

Rosenberg Calica & Birney LLP